

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J. by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA,

Defendants,

and

LAINY ARMISTEAD,

Defendant-Intervenor.

Civil Action No. 2:21-cv-00316

Hon. Joseph R. Goodwin

**PLAINTIFF'S MOTION TO RECONSIDER THE GRANT OF
LAINY ARMISTEAD'S PERMISSIVE INTERVENTION**

Plaintiff, pursuant to Federal Rule of Civil Procedure 54(b), moves the Court to reconsider its order granting Lainy Armistead's permissive intervention. This motion is based upon the attached Memorandum of Law, Declaration of Valeria M. Pelet del Toro ("Pelet del Toro Decl."), as well as the pleadings, records, and papers on file with this Court.

Lainy Armistead's status as Defendant-Intervenor is no longer viable in this case because she no longer has a significantly protectable interest at stake, as she graduated from West Virginia State University in May 2022 and has no plans to play on a scholastic women's soccer team; she

has significantly burdened the discovery process and her continued presence in the case will cause further inefficiency; and she has not made any legal arguments that are not already advanced by other Defendants.

For these reasons, Plaintiff respectfully requests that the Court reconsider its order granting Lainey Armistead's permissive intervention and revoke her status as Defendant-Intervenor.

Dated: May 26, 2022

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Respectfully submitted,

/s/ Loree Stark

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CERTIFICATE OF SERVICE

I, Loree Stark, do hereby certify that on this 26th day of May, 2022, I electronically filed a true and exact copy of ***Plaintiff's Motion to Reconsider the Grant of Lainey Armistead's Permissive Intervention*** with the Clerk of Court and all parties using the CM/ECF System.

/s/ Loree Stark
Loree Stark
West Virginia Bar No. 12936